IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21937 of 2004

Between:

S.K. Syda, S/o. Imam Saheb,
Kistapuram Village, Mellacheru Mandal,
Nalgonda District.

..... PETITIONER

AND

The Revenue Divisional Officer, Suryapet Division,

Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Order or direction more particularly one in the nature of Writ of Certiorari calling for the records pertaining to Proceedings No. D/1619/04, dated 19-11-2004, passed by the Respondent and declare the same as illegal, arbitrary and against to the principles of Natural Justice and Quash the same.

Counsel for the Petitioner: MR.K.VENKATA REDDY

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

This writ petition discloses the arbitrary manner in which the power to suspend the authorization is being exercised. The authorization of the petitioner was suspended by the respondent through proceedings, dated 19.11.2004. Several contentions are urged by the learned counsel for the petitioner. The learned Government Pleader for Civil Supplies had made an effort to sustain the order.

Normally this Court requires the parties aggrieved by orders of suspension of authorization to avail the remedy of appeal before the Joint Collector. Those, however, are the cases, where the Fair Price Shop Dealer is given an opportunity and the order of suspension contains reasons. In the present case, the entire order reads as under:

> "Some of the Villagers of Kishtapuram (V) of Mellacheruvu Mandal have submitted a petition stating that Sri SK.Syda, FPS Dealer is not distributing the ECs i.e., K.Oil properly in the village and is abusing the women with filthy language who are going to FP Shop to obtain the ECs and not maintaining the emicoble relations with the villagers.
>
> Therefore the authorization of Sri.SK.Syda, FPS Dealer, Kishtapuram is hereby suspended with immediate effect pending enquiry."

It hardly needs any emphasis that the order is vague, general and is a typical example of non-application of mind. If the authorization of the petitioner can be suspended on the basis of such an allegation, it should equally be permissible to suspend the authorities in the Civil Supplies Department, who are equally

responsible for such lapses in the distribution of Essential Commodities. The reason is that a Fair Price Shop Dealer is to be allotted Essential Commodities for subsequent months only after the allotting authority is satisfied with the distribution for the concerned month was proper. Such an officer or authority is equally responsible for the irregularities that are said to have taken place. The effort is only to drive home the point that unless at least a tentative liability is fixed or indicated against a Dealer, suspension cannot be resorted to as a matter of course.

For the foregoing reasons, the order under appeal is set aside and the writ petition is accordingly allowed. It is however left open to the respondent to pass appropriate orders in accordance with law.

_____

30.11.2004

Jsu

Note: Issue C.C. in two days

(B/o)

Jsu

To

1. The Revenue Divisional Officer, Suryapet Division,

Nalgonda District.

2. 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

3. 2CD copies